

Appl. No. 10/667,894
Amd. dated November 17, 2005
Reply to Office Action of 01/13/2005

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-15 are currently pending. No claims have been canceled. No new matter has been added. Reconsideration is respectfully requested.

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,676,655 to McDaniel (McDaniel) in view of U.S. Patent No. 6,162,211 to Tankovich et al. (Tankovich). McDaniel discloses a method for treating skin disorders with electromagnetic radiation generated by an Nd:YAG laser in the wavelength range of 1,064 nm, but fails to teach Applicant's dosage.

Applicant claims treating for a sufficient treatment time to produce clinically beneficial effects by delivering a dosage greater than 20 joules/cm². This is more than twice that disclosed by McDaniel. In fact, McDaniel is generally only concerned with a dosage of up to 1 J/cm². McDaniel's treatment dose, or energy fluence, at best is only up to 10 J/cm².

In an effort to meet the pending claims, the Office Action has relied upon Tankovich to teach a laser treatment system with an energy fluence of 3 Joules/cm² to 300.0 Joules/cm². The problem with the teaching of Tankovich is that Tankovich teaches one to apply the laser at a fluence level to "thermally denature tissue" (col. 16, line 8). In contrast, Applicant's method claims specifically require "exposing the at least one treatment area to laser light below the level necessary to cause thermal damage to the tissue being treated, wherein the light is in the near infrared portion of the electromagnetic

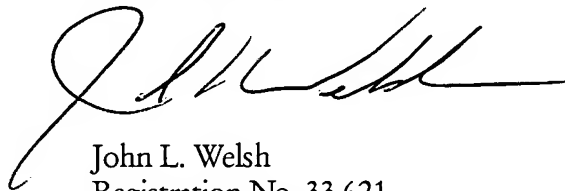
Appl. No. 10/667,894
Amd. dated November 17, 2005
Reply to Office Action of 01/13/2005

spectrum" (underline added for emphasis).

Tankovich clearly teaches one to thermally damage tissue, in direct contrast to the claimed invention. Therefore, the combined teachings of McDaniel and Tankovich fail to disclose or suggest Applicant's claimed method.

For the foregoing reasons, the 35 U.S.C. § 103 rejection based upon McDaniel and Tankovich is deemed to be improper and should be withdrawn. All of the pending claims are now believed to be in condition for allowance and Applicant respectfully requests that a Notice of Allowance be issued. If additional information is required, or if the Office has any questions that might expedite prosecution of the above-referenced application, the Office is urged to contact the undersigned at (703) 920-1122.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. L. Welsh', with a long horizontal flourish extending to the right.

John L. Welsh
Registration No. 33,621

WELSH & FLAXMAN LLC
2000 Duke Street, Suite 100
Alexandria, Virginia 22314
Telephone: (703) 920-1122